

1 WHEREAS Plaintiffs filed a Motion for Summary Judgment on January 18, 2006, seeking
2 an order compelling issuance of the 90-day finding on the Petition to List the Polar Bear by a date
3 certain;

4 WHEREAS Defendants issued a positive 90-day finding on the Petition to List the Polar
5 Bear on February 9, 2006, and initiated a public comment period and a status review of the species;

6 WHEREAS the Endangered Species Act requires that Defendants, following a positive 90-
7 day finding, complete a 12-month petition finding pursuant to 16 U.S.C. § 1533(b)(3)(B) within
8 twelve months of receipt of a petition to list a species;

9 WHEREAS Plaintiffs have sent Defendants a 60-Day Notice of Intent to Sue alleging
10 Defendants are now in violation of their duty to make a 12-month finding on the Petition, which
11 is required to be sent 60 days prior to filing such claim, and Plaintiffs intend to amend their
12 Complaint to include such claim once the 60 day statutory period has run;

13 WHEREAS the Parties agree that settlement of this action is in the public interest and is an
14 appropriate way to resolve the dispute between them, and that venue is proper and the Court has
15 jurisdiction over the Parties and subject matter of this action;

16 WHEREAS the Parties have reached an agreement in principle that will resolve Plaintiffs'
17 claims relating to both the 90-day and 12-month findings through settlement, without the need for
18 further litigation, and the Parties intend to submit a Settlement Agreement to the Court resolving
19 this case shortly after the filing of Plaintiffs' amended complaint;

20 WHEREAS, the hearing on Plaintiffs' Motion for Summary Judgment is currently set for
21 April 28, 2006, at 9:00 am;

22 WHEREAS, a case management conference is currently set for May 12, 2006, at 1:30 p.m.,

23 WHEREAS March 29, 2006 is the last day for the Parties meet and confer regarding initial
24 disclosures, early settlement, ADR process selection, and discovery plan and the last day to file the
25 Joint ADR Certification with stipulation to ADR process or the Notice of Need for ADR Phone
26 Conference;

27 WHEREAS April 12, 2006 is the last day for the Parties to complete initial disclosures or
28

1 state objection in the Rule 26(f) Report, and to file and serve the Rule 26(f) Report;

2
3 **NOW, THEREFORE, IT IS STIPULATED BY AND BETWEEN THE PARTIES AS**
4 **FOLLOWS:**

5 1. The Plaintiffs' Motion for Summary Judgment is withdrawn and the hearing date
6 currently set for April 28, 2006 shall be taken off calendar;

7 2. The case management conference currently set for May 12, 2006 shall be taken off
8 calendar;

9 3. All other proceedings shall be stayed for a period of 90 days following the Court's
10 approval of this stipulation;

11 4. If the Parties have not filed the anticipated Settlement Agreement within 90 days of
12 the Court's approval of this stipulation, the Parties will submit a joint status report to the Court at
13 that time;

14
15 Dated: March 23, 2006

16
17 /s/ (By Kassia R. Siegel with consent)

18 Paul D. Lall
19 Attorney for Defendants GALE NORTON and the
UNITED STATES FISH AND WILDLIFE
SERVICE

20 Dated: March 23, 2006

21
22 /s/

23 Kassia Siegel (CA Bar No. 209497)
24 Attorneys for Plaintiffs CENTER FOR
25 BIOLOGICAL DIVERSITY, NATURAL
26 RESOURCES DEFENSE COUNCIL, AND
27 GREENPEACE, INC.

28
* * * * *

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2
3 Dated: March 23, 2006


4 JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE